

REMARKS

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. Patent 6, 089, 460 (Hazama). This rejection is respectfully traversed.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1, 6 and 8 of the present application have been amended by replacing the phrase 'having the same functionality' with the equivalent, but more precise phrase **'implementing the same algorithms and logic'**. Basis for this amendment can be found in the description at page 4, lines 19-21. For this reason, it is submitted that no new subject matter is added to the claims by the amendments.

Hazama discloses a semiconductor device provided with a memory device having a mask ROM and an EEPROM, a FPGA and a CPU (see Figure 1). "The FPGA 20 is used as an interface circuit for ciphering or deciphering data" (see Col. 3, lines 63-65). A program for ciphering data is written in the FPGA (see Col. 6, lines 19-22). In this case, codes are allocated to a plurality of programs for programming the FPGA. When the FPGA is programmed, the FPGA is programmed in accordance with a program selected from a plurality of the programs. In this case, the program code is also stored (see Col. 8, lines 35-39). **When accessing the programmed FPGA, the stored program code is output to an external unit via the CPU 30.** On the basis of the **output program code**, the external unit in Hazama changes the way of accessing the semiconductor device (see column 8, lines 41-47). Thus, in Hazama, data in the FPGA is processed externally.

Claims 1, 7 and 8 of the present invention include the limitation wherein "the chip of a secure device is provided with a unique chip layout implementing the same algorithms and logic." It is submitted that Hazama does not disclose this limitation. In Hazama, uniqueness is achieved by varying the algorithms and logic (the program) over a number of secure devices. In the absence of any indication to the contrary, or any mention of a further need for variation, it is to be assumed that two devices with the same program receive the same chip layout.

In view of the above, it is submitted that claims 1, 7, and 8 of the present application are novel in view of Hazama. As claims 2-5, 7 and 9-10 are dependent upon allowable claims 1, 6 and 8 respectively, they are also allowable.

Claims 5, 9 and 10 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Hazama et al (U.S. Patent 6,089,460) and Tanaka (U.S. Patent 4,924,075). This rejection is also respectfully traversed.

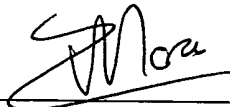
Claims 5, 9 and 10 are dependent on claims 1 and 8, respectively, which are allowable as shown above. Accordingly, claims 5, 9 and 10 are also allowable.

In view of the above, reconsideration and allowance of the present application is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.
If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 04/08/ 2003



André L. Marais
Reg. No. 48,095

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200